

**TOXICS RELEASE INVENTORY
REPORTING REQUIREMENTS
(EPCRA SECTION 313)**

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WHO MUST REPORT?

■ **Facilities (Private- and Public-sector)**

- In covered primary SIC code(s) or Federal facilities; and
- With 10 or more full-time employees (equivalent of 20,000 hours per year); and
- That exceed manufacture, or process, or otherwise use thresholds for each Section 313 chemical

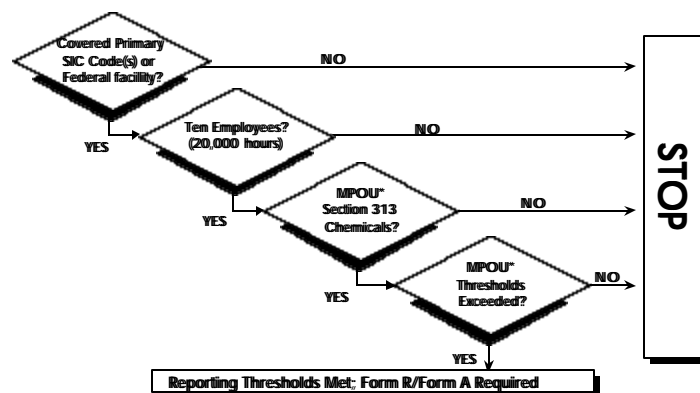
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WHAT TO REPORT?

- File a TRI report for each Section 313 chemical exceeding an activity threshold
- Submit to U.S. EPA, and either designated state officials or designated tribal office by July 1st for preceding calendar year's activities
 - July 1, 2002 (January 1 - December 31, 2001 activities)

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TRI REPORTING PROCESS



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COVERED SIC CODES

Industrial Sector	Primary SIC Code
Manufacturing	20-39
Metal mining	10 (except 1011, 1081, and 1094)
Coal mining	12 (except 1241)
Electrical utilities	4911, 4931, and 4939, limited to facilities that combust coal and/or oil for the purpose of generating electricity for distribution in commerce
Treatment, Storage, and Disposal facilities	4953, limited to RCRA Subtitle C permitted or interim status facilities
Solvent recovery services	7389, limited to facilities primarily engaged in solvent recovery services on a contract or fee basis
Chemical distributors	5169
Petroleum bulk terminals	5171

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FEDERAL FACILITIES

- Federal facilities (covered by Executive Order 13148)
 - Owned or operated by Executive Branch agencies
 - » No restrictions based on SIC code
 - » Includes federal prisons, national parks, federal hospitals
 - With 10 or more full-time employees (equivalent of 20,000 hours per year)
 - That exceed manufacture, or process, or otherwise use thresholds
 - Agency responsible for reporting on activities at Federal facilities that are conducted by, for, or in support of the agency

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SIC CODES

- Section 313 subjects facilities to reporting based on classification of primary activities in the Standard Industrial Classification (SIC) system (§372.22)
- On April 9, 1997 (62 FR 17288), the North American Industry Classification (NAIC) System was implemented
- SIC codes are to be used until EPA transitions to new NAIC system in future reporting years
- An OMB crosswalk exists between the SIC and new NAIC codes (see 62 FR 172188)

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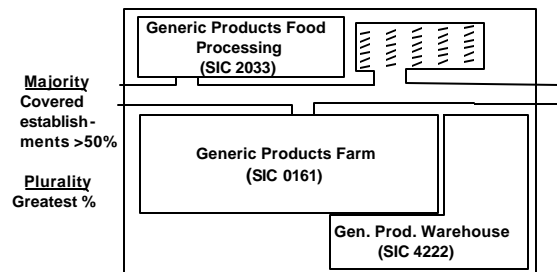
DEFINITION OF “FACILITY”

- “Facility - all buildings, equipment, structures, and other stationary items which are located on a single site or contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with, such person).” (EPCRA §329(4))
- Establishment - unique and separate economic unit of a “facility” (§372.3)
- Auxiliary facility - primarily supports a covered establishment’s activities at another facility

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MULTI-ESTABLISHMENT FACILITY

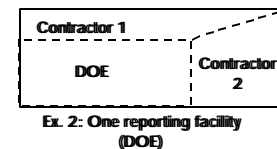
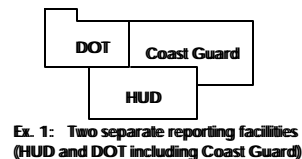
Three separate establishments located on contiguous/adjacent property owned by same person(s), is one facility under EPCRA (§372.22(b))



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MULTI-ESTABLISHMENT FACILITY

- Determining how facilities report
 - Federal facilities and federal contractors (GOCOs)



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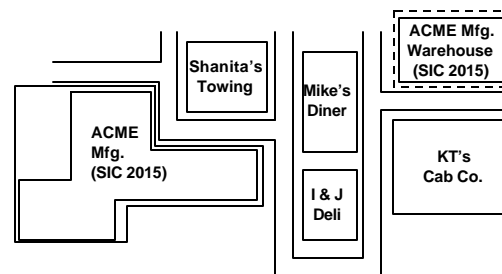
AUXILIARY FACILITY

- Non-contiguous and non-adjacent to a covered establishment
- Primary function is to support a covered establishment's activities at another facility (e.g., warehouses, laboratories)
- Assumes SIC code of covered establishment for reporting purposes
- Employee and chemical activity threshold determinations are separate!

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AUXILIARY FACILITY

ACME Mfg. Facilities
(Warehouse is auxiliary facility of ACME Mfg.)



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EMPLOYEE THRESHOLD

- 10 full-time employees (20,000 hours) (§§372.3 and 372.22(a))
 - Worked at or directly for facility
 - Includes operational staff, administrative staff, contractors, dedicated sales staff, company drivers, off-site direct corporate support
 - Does NOT include contract drivers or janitorial contractors
- Determinations based on available time management systems/data

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THRESHOLDS TRIGGERING EPCRA SECTION 313 REPORTING

- Section 313 chemicals that are listed as persistent, bioaccumulative, and toxic (PBT) are subject to separate and lower thresholds (§372.28)
- A facility meeting the SIC code (or Federal facility) and employee criteria must file a TRI report for a non-PBT Section 313 chemical if the facility (§372.25):
 - Manufactured (including imported) more than 25,000 pounds per year, or
 - Processed more than 25,000 pounds per year, or
 - Otherwise used more than 10,000 pounds per year
- Activity thresholds are calculated independently
- Threshold calculations are based on cumulative quantities per Section 313 chemical over the reporting year

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THRESHOLDS TRIGGERING EPCRA SECTION 313 REPORTING

- If a facility manufactures, processes, or otherwise uses any chemicals that are listed as persistent, bioaccumulative, and toxic (PBT), the threshold quantity is one of the following per Section 313 chemical or category per year (§372.28):

Threshold Level	Type of PBT Chemical
100 pounds	Persistent and bioaccumulative
10 pounds	Highly persistent and highly bioaccumulative
0.1 grams	Dioxin and dioxin-like compounds

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CATEGORIES OF MANUFACTURING ACTIVITIES

- Manufacturing (§372.3) - generating a Section 313 chemical
 - Intentionally producing chemicals for:
 - » Sale
 - » Distribution
 - » On-site use or processing (e.g., intermediates)
 - Coincidentally producing chemicals as impurities or byproducts:
 - » At any point at the facility, including waste treatment and fuel combustion
 - Importing
 - » "Cause" to be imported

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CATEGORIES OF PROCESSING ACTIVITIES

- Processing (§372.3) - preparation of a Section 313 chemical for distribution in commerce
 - Using as a reactant to manufacture another substance or product
 - Adding as a formulation component
 - Incorporating as an article component
 - Repackaging for distribution
 - » Including quantities sent off-site for recycling
 - As an impurity

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REPACKAGING AS A PROCESSING ACTIVITY

- Repackaging a Section 313 chemical for distribution in commerce is considered processing
 - Repackaging includes transfer:
 - » From container to tanker truck and vice-versa
 - » Between similar size containers
 - » Via pipeline to/from a tank
 - Repackaging does not include:
 - » Sampling without repackaging
 - » Re-labeling
- Repackaging without distribution into commerce is not considered processing

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OTHERWISE USE

- Otherwise using (§372.3) - includes most activities that are not manufacturing or processing
 - Examples
 - » Chemical processing aid (e.g., solvents)
 - » Manufacturing aid (e.g., lubricants, refrigerants)
 - » Ancillary activities (e.g., chemicals used to remediate wastes)

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OTHERWISE USE (CONTINUED)

- Otherwise use of a Section 313 chemical also includes on-site disposal, stabilization (without subsequent distribution in commerce), or treatment for destruction if:
 - Section 313 chemical was received from off-site for the purposes of further waste management, or
 - Section 313 chemical was manufactured as a result of waste management activities on materials received from off-site for the purpose of further waste management
- Waste management activities include recycling, combustion for energy recovery, treatment for destruction, waste stabilization and release (including disposal)

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CALCULATING ACTIVITY THRESHOLDS

- Calculate total amount of Section 313 chemical to a threshold activity
 - Example:
 - » A plant uses MEK to manufacture liquid industrial adhesive for distribution in commerce. The plant adds 27,000 pounds of MEK to the liquid adhesive-making operation during the reporting year, but 3,000 pounds are volatilized during the operation
 - » 27,000 pounds of MEK is processed, reporting required

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CALCULATING ACTIVITY THRESHOLDS

- Activities that, alone, do NOT constitute an activity threshold
 - Storage
 - Remediation of on-site contamination (does not include chemicals manufactured during remediation)
 - Re-labeling without repackaging
 - Direct reuse onsite
 - On-site recycling
 - Transfers sent off-site for further waste management (not including recycling)

Note: These activities may not be exempt from reporting if threshold is exceeded through other activities.

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